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COUNTY OF SANTA CLARA and SANTA
CLARA COUNTY PUBLIC HEALTH
DEPARTMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CALIFORNIA RESTAURANT
ASSOCIATION,

Plaintiff,

v.

THE COUNTY OF SANTA CLARA
and THE SANTA CLARA COUNTY
PUBLIC HEALTH DEPARTMENT,

Defendants.

No. C 08-03685 RS

**DECLINATION TO PROCEED BEFORE A
MAGISTRATE JUDGE AND REQUEST
FOR REASSIGNMENT TO A UNITED
STATES DISTRICT JUDGE**

Complaint filed: July 22, 2008
Notice of Removal filed: August 1, 2008

The Honorable Richard Seeborg

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE:

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Of particular relevance to Defendants is the existence of an earlier-filed Administrative Motion to Consider Whether Cases Should Be Related. That Motion is now pending before Judge Wilken in the Oakland Division of this Court. The case to which Defendants contend this case should be related, *California Restaurant Association v. The City and County of San Francisco and The San Francisco Department of Public Health*, case number CV-08-3247 CW

Declination to Proceed Before a
Magistrate Judge and Request for
Reassignment to a United States District Judge

1 has a virtually-identical motion for declaratory relief and preliminary injunction now pending
2 with respect to San Francisco's menu labeling ordinance. A hearing date of September 4, 2008
3 has been scheduled on that motion.

4 Dated: August 7, 2008

Respectfully submitted,

5 ANN MILLER RAVEL
6 County Counsel

7 By: /S/
8 TAMARA LANGE
Lead Deputy County Counsel

9 Attorneys for Defendants
10 COUNTY OF SANTA CLARA and
11 SANTA CLARA COUNTY PUBLIC
HEALTH DEPARTMENT

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